

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

COREY O. WHITE	:	CIVIL ACTION
	:	
vs.	:	
	:	
CITY OF PHILADELPHIA. et al.	:	No. 02-4066

Order

And now, this day of , 2003, upon consideration of the Plaintiff's Motion Requesting an Order for the Production of Documents and Things pursuant to Fed.R.Civ.P. 34(b) and Defendants' response thereto, it is hereby Ordered and Decreed that said Motion is Denied.

By the Court:

Norma L. Shapiro, J.

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CITY OF PHILADELPHIA. et al.	:	No. 02-4066

**DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION REQUESTING AN ORDER
FOR THE PRODUCTION OF DOCUMENTS AND THINGS
PURSUANT TO FED.R.CIV.P. 34(b)**

TO THE CLERK OF THE COURT:

Defendants, by and through the undersigned counsel, hereby file the enclosed response to Plaintiff's Motion Requesting an Order for the Production of Documents and Things pursuant to Fed.R.Civ.P. 34(b). A Memorandum of Law dated January 10, 2003 in support of this Response is attached hereto.

Robin B. Arnold
Deputy City Solicitor
Attorney I.D. #59477
City of Philadelphia Law Department
1515 Arch Street, 14th Floor
Philadelphia, PA 19102
(215) 683-5447
(215) 683-5347 (Fax)

Dated

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Under the Federal Rules of Civil Procedure, discovery requests are to be served on parties and are not to be filed with the court. Plaintiff in the instant action is seeking a court order to serve discovery, which is impermissible under the Rules. Plaintiff has never served undersigned counsel with the discovery request in question-a Request for Production of Documents pursuant to Federal Rule of Civil Procedure 34(b)-before seeking court intervention in the form of the instant Motion. Accordingly, Plaintiff's Motion should be denied. Furthermore, Plaintiff should be directed to serve undersigned counsel with the Request for Production of Documents that is the subject of this Motion, or any discovery requests in the future without filing the requests with the court or requesting court approval.

Wherefore, Defendants respectfully request that this Court deny Plaintiff's Motion Requesting an Order for the Production of Documents and Things pursuant to Fed.R.Civ.P. 34(b).

Respectfully submitted,

Robin B. Arnold
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Dated: 1/10/03

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CERTIFICATE OF SERVICE

Robin B. Arnold hereby certifies that service of a true and correct copy of the Defendants' Response to Plaintiff's Motion Requesting an Order for the Production of Documents and Things pursuant to Fed.R.Civ.P. 34(b) was made on the 10th day of January, 2003 to the plaintiff, pro se, by First Class United States Mail.

Corey O. White, Pro Se
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SCI -Graterford
P.O. Box 244
Graterford, PA 19426-0244

Dated: 1/10/03

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